

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BARBARA FORLASTRO and ROBERT G. FORLASTRO,
as co-administrators of the Estate of
ROBERT J. FORLASTRO,

Case No.: 1:07-CV-3288
(RPP) (FM)

Plaintiffs,

vs.

JAMES COLLINS,

Defendant.

MARCH 10, 2008

JOINT PRETRIAL COMPLIANCE

I. Full caption of action: Barbara Forlastro and Robert G. Forlastro, as co-administrators of the Estate of Robert J. Forlastro vs. James Collins.

II. Trial Counsel:

For the Plaintiff: Michael A. Stratton, Esq.
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For the Defendant: Elizabeth Hecht, Esq.
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III **Jurisdiction:** The decedent and administrator are from Connecticut.

The defendant is from New York. Jurisdiction is based on diversity. See 28 USC 1332(a)(1).

IV. The plaintiff has asserted claims of negligence against James Collins.

The defendant has asserted defenses of comparative negligence.

V. The case is going to be tried to a jury. It will take two days to try.

VI. This case will be tried before Judge Patterson.

VII. The parties have agreed that the defendant's truck struck Robert J. Forlastro on December 6, 2004 in the parking lot of Carmel Bagel and Deli located in Carmel, New York. The parties agree the impact caused Robert J. Forlastro's death.

VIII. **Witnesses:**

Plaintiff's witnesses:

- a) Robert Forlastro, father, in person
- b) Barbara Forlastro, mother, in person
- c) Tina Samuelson, sister, in person
- d) James Collins, defendant, in person
- e) Bill Deleo, driver of truck decedent was in, in person
- f) William Ball, passenger in defendant's truck, in person
- g) Thomas Johanson, detective on scene, in person
- h) Police Officer Behan, cop on scene, in person

Defendant's witnesses:

- a. James Collins
- b. William Ball
- c. Thomas Johanson
- d. Officer Behan
- e. Officer Chibbaro
- f. Sgt. Facchiano
- g. Lt. Karst

IX. Designation of Deposition Testimony:

Plaintiff: None

Defendant:

Plaintiff BARBARA FORLASTRO (1-28-08)
Plaintiff ROBERT G. FORLASTRO (1-28-08)

X. Exhibits:

Plaintiff's Exhibits:

A1-A20	Police Photos of Scene of Accident
B1-B7	Photos of decedent's clothing
C1-C2	Police Diagrams with measurements
D	Appointment of Administrators
E	Birth Certificate
F	Autopsy
G	Death Certificate
H	Funeral Bills
I	2003 W-2
J1-J5	Pictures of Robert Forlastro
K	Video of F & H Sanitation Truck

Defendant's Exhibits:

1. Police Accident Report

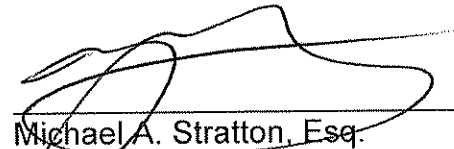
The plaintiffs' object in that is it hearsay as to some portions of the police report and inadmissible opinion testimony as to conclusions.

2. U.S. Department of Transportation Alcohol Testing Form for James Collins on December 6, 2004 and Results thereof

Defendant reserves the right to object to Plaintiff's exhibits on all relevant and applicable grounds. Pre-accident photographs of decedent are not admissible under New York law. Defendant will object to any video of the F & H Sanitation Truck. Defendant will object to the introduction of W-2 forms which were requested in discovery and declined. Defendant will make objections as indicated to scene photographs. In that plaintiffs did not pay for decedent's funeral, Defendant will object to the admission of the funeral bill. Defendant reserves the right to introduce exhibits on Plaintiff's Exhibit List.

The Plaintiff objects to the above as it is irrelevant.

THE PLAINTIFFS
BARBARA FORLASTRO
AND ROBERT G. FORLASTRO,
AS CO-ADMINISTRATORS OF
THE ESTATE OF ROBERT J. FORLASTRO



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THE DEFENDANT
JAMES COLLINS

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